THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.1633 of 2006

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Dated:30.01.2006

Between:

Pallamala Nagaraju, S/o. Nagaiah,
R/o. Pallamala Village, Chillakur Mandal, Nellore District.

..... PETITIONER

AND

The Station House Officer, Chillakur P.S., Chillakur Mandal, Nellore District, and others.

.....RESPONDENTS

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ORDER:

The petitioner claims to be the owner of the land admeasuring Acs.4.50 cents comprised in Survey No.61 of Vellapalem Village. When the fifth respondent interfered with the petitioner's peaceful possession, he gave a complaint to the first respondent on 03.12.2004 alleging trespass by the fifth respondent and requested to register a crime against him, in vain. Therefore, he filed the instant writ petition, *inter alia,* seeking a direction to the first respondent to register the crime against the fifth respondent and investigate the same in accordance with law.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Home. It is now well settled by reason of two Division Bench judgments of this Court in **Mohd.Faizuddin v. G.Ramakrishna Reddy** and **A.Omkar v. Commissioner of Police** that whenever a Station House Officer, Incharge of the Police Station, declines to register a cognizable crime on a complaint given by a person, the aggrieved person has to approach the Superintendent of Police under Section 154(3) of the Code of Criminal Procedure, 1973. As and when such

representation is given to the District Head of Police, he has to look into the same and if a cognizable offence is made out in the complaint, order for investigation. The petitioner admittedly did not approach the second respondent. Therefore, liberty is given to the petitioner to approach the second respondent immediately. As and when such complaint/representation is given by the petitioner, the second respondent shall look into the same and take necessary action in accordance with law.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

30.01.2006

vs